# City of Miami Beach - Special City Commission Meeting Commission Chambers, 3rd Floor, City Hall 1700 Convention Center Drive September 21, 2005

Mayor David Dermer Vice-Mayor Matti Herrera Bower Commissioner Simon Cruz Commissioner Luis R. Garcia, Jr. Commissioner Saul Gross Commissioner Jose Smith Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez City Attorney Murray H. Dubbin City Clerk Robert E. Parcher

Visit us on the Internet at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

#### ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Call to Order - 5:00 p.m. Requests for Additions, Withdrawals, and Deferrals

| Presentations | and Awards |
|---------------|------------|
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PA Presentations and Awards R2

# Consent Agenda

C2 Competitive Bid Reports

C4 Commission Committee Assignments

C6 Commission Committee Reports

C7 Resolutions

#### Regular Agenda

R2 Competitive Bid Reports

R5 Ordinances

R6 Commission Committee Reports

R7 Resolutions

R9 New Business and Commission Reguests

R10 City Attorney Reports

Reports and Informational Items



"We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community."

| CO | NSENT | AG | EN | DA |
|----|-------|----|----|----|
|----|-------|----|----|----|

| Action:   |  |
|-----------|--|
| Moved:    |  |
| Seconded: |  |
| Vote:     |  |

### C7 - Resolutions

- C7A A Resolution Calling For A General Election To Be Held On November 1, 2005 In The City Of Miami Beach For The Purpose Of Electing One City Commissioner In Group Number I; Providing For Conduct Of Same By The Miami-Dade County Elections Division; Providing That Voting Precincts Shall Be Those As Established By Miami-Dade County; Providing For Notice Of Elections; Providing For The Form Of Ballot And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Election To Miami-Dade County. (Page 2)

  (City Attorney's Office)
- C7B A Resolution Authorizing The Administration To Videotape And Air On Cable Channel 77 The Group I Commission Candidate Presentations For The November 1, 2005 General Election. Mayor Dermer, Commissioner Gross Group II, And Commissioner Steinberg Group III, Were Unopposed. (Page 8)

(City Clerk's Office)

- C7C A Resolution Adopting And Appropriating Funds For The Police Special Revenue Account Budget For Fiscal Year 2005/06, In The Amount Of \$36,600, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account. (Page 13)

  (Police Department)
- C7D A Resolution Adopting And Appropriating Funds For The Police Confiscation Trust Fund Budget For The Fiscal Year 2005/06 In The Amount Of \$232,700 To Be Funded From The Proceeds Of State (\$101,700) And Federal-Justice (\$131,000) Confiscated Funds. (Page 18) (Police Department)
- C7E A Resolution Adopting And Appropriating Funds For The Police Training Trust Fund Budget For Fiscal Year 2005/06 In The Amount Of \$31,000. (Page 23)

  (Police Department)

#### **End of Consent Agenda**

1



MURRAY H. DUBBIN City Attorney



Telephone:

(305) 673-7470

Telecopy:

(305) 673-7002

#### **COMMISSION MEMORANDUM**

DATE: SEPTEMBER 21, 2005

TO:

MAYOR DAVID DERMER and

MEMBERS OF THE CITY COMMISSION

FROM:

MURRAY H. DUBBIN, 1. 1M

**CITY ATTORNEY** 

**SUBJECT:** 

A RESOLUTION CALLING THE GENERAL ELECTION FOR NOVEMBER 1,

2005

In accordance with Miami Beach City Charter Section 2.01, and City Code Section 38-3, a general municipal election is being called via Resolution for the purpose of electing\* one City Commissioner in Group No. I on November 1, 2005, and providing for the City Clerk to notice said Resolution through publication of an appropriate advertisement in a newspaper meeting the requirements set forth in Section 50.031, Florida Statutes.

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 $F:\label{lem:condition} F:\label{lem:condition} F:\label{lem:condition} The General Election (2005). doc$ 

<sup>\*</sup> Incumbent candidates Mayor David Dermer, Commissioner Saul Gross (Commission Group II), and Commissioner Richard L. Steinberg (Commission Group III), having been unopposed in their respective candidacies as of the end of qualifying, shall be declared elected upon the Miami Beach City Commission's acceptance of final election certifications.

| RESOLUTION NO. |  |
|----------------|--|
|                |  |

A RESOLUTION CALLING FOR A GENERAL ELECTION TO BE HELD ON NOVEMBER 1, 2005 IN THE CITY OF MIAMI BEACH FOR THE PURPOSE OF ELECTING ONE CITY COMMISSIONER IN GROUP NUMBER I; PROVIDING FOR CONDUCT OF SAME BY THE MIAMI-DADE COUNTY ELECTIONS DIVISION; PROVIDING THAT VOTING PRECINCTS SHALL BE THOSE AS ESTABLISHED BY MIAMI-DADE COUNTY; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE FORM OF BALLOT AND REGISTRATION OF VOTERS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PAYMENT FOR CONDUCTING ELECTION TO MIAMI-DADE COUNTY.

BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

# SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida a General Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on November 1, 2005 for the purpose of electing one City Commissioner in Group I, who shall hold office for the term as provided by law.

### **SECTION 2.**

That the appropriate and proper Miami-Dade County election officials shall conduct the said General Election hereby called, with acceptance of the certification of the results of said General Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

### **SECTION 3**.

That the said voting precincts in the City of said General Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the OFFICIAL REGISTRATION BOOKS show that the said electors reside. Registration of persons desiring to vote in said General Election shall be in

accordance with the general laws of the State governing voter registration.

# **SECTION 4**.

Not less than thirty days notice of said General Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

## SECTION 5.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A GENERAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 1ST DAY OF NOVEMBER, 2005, FOR THE PURPOSE OF ELECTING ONE (1) CITY COMMISSIONER IN GROUP I, WHO SHALL HOLD OFFICE FOR THE TERM AS PROVIDED BY LAW.

Said Notice shall further set forth the several polling places in the election precincts as established in accordance with Section 3 hereof, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

### **SECTION 6.**

That the official ballot to be used in the General Election to be held on November 1, 2005, hereby called, shall be in substantially the following form, to-wit:

# "OFFICIAL BALLOT"

# **GENERAL ELECTION**

**FOR** 

### **ELECTING ONE**

# **COMMISSIONER**

**OF THE** 

# CITY OF MIAMI BEACH, FLORIDA

ON NOVEMBER 1, 2005

Vote for one (1) only:

| FOR CITY COMMISSIONER   | <b>GROUP I</b> |
|-------------------------|----------------|
| Alexander C. Annunziato |                |
| Joseph Fontana          |                |
| Jerry E. Libbin         |                |
| Gabrielle Redfern       |                |
| Dennis W. Ward          |                |

The City Clerk shall prepare the ballot so that the names of qualified candidates will appear on said ballot in alphabetical order according to surname; provided, however, that said ballot and its preparation shall be such as to permit compliance with the Laws of the State of Florida with respect

to the use of an electronic voting system.

SECTION 7.

That the absentee voters participating in said General Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to absentee

voting.

**SECTION 8**.

That the City of Miami Beach shall pay all expenses for conducting this General Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or

statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 9.

This resolution shall be effective immediately upon its passage.

**PASSED** and **ADOPTED** this 21<sup>st</sup> day of September, 2005.

| MAYOR |  |
|-------|--|

ATTEST:

CITY CLERK

JKO\ed

F:\atto\OLIJ\ELECTION\RESO\Electing Mayor & Commissioners(2005 General Election).doc

APPROVED AS TO FORM & LANGUAGE A FOR EXECUTION

Date

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# CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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A Resolution Authorizing The Administration To Videotape And Air On Cable Channel 77 The Group I Commission Candidate Presentations For The November 1, 2005 General Election. Mayor Dermer, Commissioner Gross - GROUP II, and Commissioner Steinberg - GROUP III, were unopposed.

#### Issue:

Shall The Administration be Authorized To Videotape And Air On Cable Channel 77 The Group I Commission Candidate Presentations For The November 1, 2005 General Election?

Item Summary/Recommendation:

The Administration Requests the City Commission Consider The Resolution And Candidate Presentation Guidelines And Request City Commission Guidance.

**Advisory Board Recommendation:** 

The 2001 City Commission Community Affairs Committee.

**Financial Information:** 

| Source of     |       | Amount | Acco | unt | Approved |
|---------------|-------|--------|------|-----|----------|
| Funds:        | 1     | -      |      |     |          |
|               | 2     |        |      |     |          |
|               | 3     |        |      |     |          |
|               | 4     |        |      |     |          |
| Finance Dept. | Total |        |      |     |          |

| City Clerk's Office Legislative Tracking: |  |
|---|--|
| Robert Parcher                            |  |

Sign-Offs:

| Department Direc | itor As | ssistant City I | Manager | City Manager |
|------------------|---------|-----------------|---------|--------------|
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| •                | ·       |                 | 0       | // 0         |



# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMIREACH, ELOPIDA 33130.

www.ci miami-heach flue



Date: September 21, 2005

#### **COMMISSION MEMORANDUM**

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO

VIDEOTAPE AND AIR ON CABLE CHANNEL 77 THE GROUP I COMMISSION CANDIDATE PRESENTATIONS FOR THE NOVEMBER 1, 2005 GENERAL ELECTION. MAYOR DERMER, COMMISSIONER GROSS - GROUP II, AND

COMMISSIONER STEINBERG - GROUP III, WERE UNOPPOSED.

### **ADMINISTRATION RECOMMENDATION:**

Consider the Resolution and Candidate Presentation Guidelines and request City Commission guidance.

### **BACKGROUND**:

During the 2001 General Election, the City Commission authorized the Administration to videotape and replay on Cable Channel 20, now 77, a candidate forum sponsored by a local organization.

The 2001 City Commission also referred to the Community Affairs Committee the issue of selecting two additional forums to be taped and aired.

On September 25, 2001, the Community Affairs Committee attended by the Committee Chair Commissioner Matti Herrera Bower, and committee members Commissioners Simon Cruz, Luis R. Garcia, Jr., and Jose Smith, discussed the issues concerning candidate forums. The Committee was not comfortable in selecting two additional political forums to air. It was felt that selecting only two would be unfair because other organizations may be left out. After much discussion, the Committee recommended arranging a candidate presentation where each candidate is given up to five minutes of airtime on Cable Channel 20, now 77, to present themselves and their platform. The City Commission, pursuant to Resolution No. 2001-24626, approved the recommendation of the Community Affairs Committee. In 2003, pursuant to Resolution No. 2003-25338, the City Commission authorized the Administration to videotape and replay on Cable Channel 20, now 77, the Candidate Presentations.

The candidate presentations were coordinated by the City Clerk's Office using the attached Candidate Presentation Guidelines and held in the City Commission Chamber.

If the City Commission authorizes the Administration to proceed, the following Candidate Presentation Guidelines will be followed:



# 2005 City of Miami Beach Candidate Presentation Guidelines

- 1. To offer the Miami Beach viewers an organized presentation, the Candidate Presentation will be taped live and replayed on Cable Channel 77. **Important:** The tape will not be edited for any reason. Once the taping of a candidate begins, the camera will not be turned off until the candidate indicates he or she is finished, or the five (5) minute time limit has been reached. The tape will be replayed multiple times (dates to be scheduled and advertised).
- 2. In order to have an organized presentation of candidates and issues, it is important that a strict timetable be developed and adhered too. Each candidate will be given a scheduled time slot. See attachment "A". It is the sole responsibility of the candidate to make sure he or she is available when it's their time to speak. Any candidate who misses their assigned time slot unfortunately will forfeit their opportunity to present. The Administration will be given a time slot at the end of the Candidate Presentations to present the any Voters Guide information pertaining to Special Election question(s) along with explanations in both English and Spanish, if needed.
- 3. The schedule air times will be published in the news media (Miami Herald Neighbors, Sunpost, and in the Spanish language newspapers depending on publishing dates, and on Cable Channel 77.)
- 4. Candidates must check in at least 10 minutes before their assigned time slot. This will ensure an orderly transition from candidate to candidate.
- 5. The time slots will be assigned in the order of the ballot: Mayor and the three commission groups (group I, II, and III) and alphabetically by candidates within each of the groups. Again, it is the sole responsibility of the candidate to be available at their designated time. In 2005, because the Mayor, and Commission Group II and III ran unopposed, only Group I will be videotaped and aired.
- 6. Before the candidates begin speaking, the moderator (to be determined) will give an introduction stating the purpose and explaining the format of the Candidate Presentation.
- 7. Each candidate will be allocated **up to** five (5) minutes of on airtime on Cable Channel 77. In order to maintain equitable time for each candidate who elects to participate in the Candidate Presentation, when the candidates five (5) minutes are up, the candidate will be cut off, even if in mid-sentence.
- 8. The moderator will introduce each candidate. The introduction will be limited to the Mayor or Group Number and the name of the candidate. (Mayoral candidate Mr./Ms. X or Commission Group I, II, III, IV, V, OR VI, candidate Mr./Ms. Z. The candidate will be introduced by the name that will appear on the ballot).
- 9. At the conclusion of the Candidate Presentation, the Administration will provide the viewers with an overview of any Special Election ballot questions (Voters Guide), if needed.
- 10. Only the candidate may speak on their behalf, not a representative.
- 11. No pre-recorded tapes will be used.
- 12. No background music, special backgrounds, or special effects will be allowed.

The Administration recommends that the City Commission consider the resolution and Presentation Guidelines and request City Commission guidance.

# Attachment "A"

Candidate Presentation Schedule

Time Interval between

Candidate Arrival Interval

candidates - 10

- 10 minutes

minutes

0:10

0:10

((Insert Date of taping))

Administration's Opening statement:

9:00 AM

|   | Commission Group I | Arrival Time Expe | ected Air time |
|---|--------------------|-------------------|----------------|
| 1 | Alex Annunziato    | 9:20 AM           | 9:30 AM        |
| 2 | Joe Fontana        | 9:30 AM           | 9:40 AM        |
| 3 | Jerry Libbin       | 9:40 AM           | 9:50 AM        |
| 4 | Gabrielle Redfern  | 9:50 AM           | 10:00 AM       |
|   | Dennis Ward        | 10:00 AM          | 10:10 AM       |
|   |                    |                   |                |

<sup>\*</sup>Note: Mayor Dermer, Commissioner Gross, Group II, and Commissioner Steinberg, Group III, were unopposed.

# **RESOLUTION TO BE SUBMITTED**

# CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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|   |   |   |   |   |   |   |   |   |   |    |   |   |

A Resolution to adopt and appropriate the Fiscal Year 2005/06 Police Special Revenue Account Budget in the amount of \$36,600.

#### Issue:

Shall funds be provided for the purchase of miscellaneous items for the Miami Beach Police Department?

Item Summary/Recommendation:

Unclaimed evidence totaling \$36,600 has been in the custody of the Police Property Management Unit past the sixty (60) day waiting period. These funds have now been placed in the Police Special Revenue Account Fund as provided by Resolution 90-19931, passed on March 7, 1990.

The Administration recommends that the Mayor and City Commission adopt and appropriate the Police Special Revenue Account Budget for Fiscal Year 2005/06.

| Advisor | ∕ Board | Recomm | endation: |
|---------|---------|--------|-----------|
|---------|---------|--------|-----------|

N/A

# **Financial Information:**

| Source | of |
|--------|----|
| Funds: |    |

4

Finance Dept.

|       | Amount    | Account                 | Approved |
|-------|-----------|-------------------------|----------|
| 1     | \$ 36,600 | Special Revenue Account |          |
| 2     |           | 195.8000.369993         |          |
| 3     |           |                         |          |
| 4     |           |                         |          |
| Total | \$ 36,600 |                         |          |

Sign-Offs:

| olgii-Olia.         |                        |          | A CONTRACTOR OF THE PROPERTY O |
|---------------------|------------------------|----------|--|
| Department Director | Assistant City Manager | City Man | ager   |
| All hum             |                        | Jus      |  |
|                     |                        |          |  |

AGENDA ITEM <u>C7C</u> DATE <u>9-21-05</u>

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



Date: September 21, 2005

#### COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS

FOR THE POLICE SPECIAL REVENUE ACCOUNT BUDGET FOR FISCAL YEAR 2005/06 IN THE AMOUNT OF \$36,600, SUCH ACCOUNT FUNDED BY UNCLAIMED EVIDENCE CURRENTLY HELD IN THE POLICE

SPECIAL REVENUE ACCOUNT.

# ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

# **ANALYSIS**

Florida Statute 705.105 "Procedure for Unclaimed Evidence" provides that unclaimed evidence in the custody of the court from a criminal proceeding, or seized as evidence by and in the custody of a law enforcement agency, shall become the property of that law enforcement agency 60 days after the conclusion of the proceedings.

In March 1990, a special account was established titled "Police Special Revenue Account" in the Special Revenue Fund. Funds for this account are made available in the Police Property Management Unit, as unclaimed evidence, in accordance with Florida Statute 705.105 outlined above.

Unclaimed evidence totaling \$36,600 has been in the custody of the Police Property Management Unit past the sixty (60) day waiting period. These funds have now been placed in the Police Special Revenue Account Fund, as provided in Resolution 90-19931, passed on March 7, 1990.

The Administration recommends that the Mayor and City Commission adopt the Budget for the Police Special Revenue Account, and appropriate the amount of \$36,600 to provide funds for the purchase of miscellaneous items for the Police Department listed on Exhibit "A".

JMG: DD:ic

# **EXHIBIT "A"**

# MIAMI BEACH POLICE DEPARTMENT SPECIAL REVENUE ACCOUNT BUDGET FISCAL YEAR 2005/06

| PROMOTIONAL ACTIVITIES related to law enforcement programs sponsored by the Chief of Police including items/programs which are not funded with general funds. These items/ programs including, but not limited to, Big Brothers/Big Sisters, Take Your Child to Work Day, miscellaneous expenses such as activities related to the Police Memorial Services, Miami Beach Chamber of Commerce, the American Heart Association, Annual Read Aloud Crowd, Learning For Life, Muy Bien Bilingual Program Community Crusade Against Drugs, the South Beach Hispanic Chamber of Commerce, Unidad, Kiwanis Special Activities, and Boys and Girls Club events. The primary purpose of these funds are for miscellaneous expenses related to activities for Police initiatives, memorial services, special youth programs, and other philanthropic, community organizations. | <b>\$</b> | 25,000 |
|--|-----------|--------|
| MISCELLANEOUS OPERATING SUPPLIES, EQUIPMENT AND BUILDING ITEMS which were unforeseen and not budgeted for during FY 2005/06.   | \$        | 8,000  |
| Horticultural/foliage maintenance provided to the Police Station and the North End Sub-Station.  | \$        | 3,600  |
| TOTAL  | \$        | 36,600 |



| RESOI | LUTION | No. |  |
|-------|--------|-----|--|
|       |        |     |  |

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE POLICE SPECIAL REVENUE ACCOUNT BUDGET FOR FISCAL YEAR 2005/06, IN THE AMOUNT OF \$36,600, SUCH ACCOUNT FUNDED BY UNCLAIMED EVIDENCE CURRENTLY HELD IN THE POLICE SPECIAL REVENUE - ACCOUNT.

WHEREAS, Section 705.105, Florida Statutes, "Procedures for Unclaimed Evidence", provides that title to unclaimed evidence in the custody of the court from a criminal proceeding or seized as evidence by and in the custody of a law enforcement agency, shall vest permanently in the law enforcement agency sixty (60) days after the conclusion of the proceedings; and

WHEREAS, such funds have been in the custody of the Police Property Management Unit past the sixty (60) day waiting period, and these funds have now been placed in the Police Special Revenue Account Fund, as provided by Resolution No. 90-19931, adopted on March 7, 1990.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that \$36,600, which is currently being held in the Police Special Revenue Account, be appropriated for the Fiscal Year 2005/06 Police Special Revenue Account Budget for the purchase of items listed on Exhibit "A".

| PASSED AND ADOPTED THIS_ | DAY OF | ,2005 |
|--------------------------|--------|-------|
| ATTECT DV.               | MAYOR  | ·     |
| ATTEST BY:               |        |       |
| City Clerk               |        | •     |

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney Date

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# CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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A Resolution to adopt and appropriate the Police Confiscation Trust Fund Budget for Fiscal Year 2005/06, in the amount of \$232,700 to be Funded from the Proceeds of State (\$101,700) and Federal-Justice (\$131,000) Confiscated Funds.

#### Issue:

Should the Police Confiscation Trust Fund Budget for Fiscal Year 2005/06 be adopted?

Item Summary/Recommendation:

The Chief of Police has reviewed and identified the needs for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.

The Administration recommends authorization to adopt and appropriate the Police Confiscation Trust Fund Budget for Fiscal Year 2005/06.

| Advisor | v Board | Recommer | idation: |
|---------|---------|----------|----------|
|---------|---------|----------|----------|

N/A

#### Financial Information:

| <b>Amount</b> | to be e | xpended: |
|---------------|---------|----------|
|---------------|---------|----------|

| Source | of |
|--------|----|
| Funds: |    |



|       | Amount     | Account                       | Approved |
|-------|------------|-------------------------------|----------|
| 1     |            | Confiscation funds:           |          |
| 2     | \$ 101,700 | 607.8000.351210 State Funds   |          |
| 3     | \$ 131,000 | 603.8000.351211 Federal Funds |          |
| 4     |            |                               |          |
| Total | \$ 232,700 |                               |          |

Sign-Offs:

| Sign-Offs:          |                                     |
|---------------------|-------------------------------------|
| Department Director | Assistant City Manager City Manager |
| 7//21               |                                     |
| \                   | lace 1                              |
|                     |                                     |
|                     |                                     |

AGENDA ITEM <u>C7D</u>

DATE <u>9-21-05</u>

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



Date: September 21, 2005

#### **COMMISSION MEMORANDUM**

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE POLICE CONFISCATION TRUST FUND BUDGET FOR THE FISCAL YEAR 2005/06 IN THE AMOUNT OF \$232,700 TO BE FUNDED FROM THE PROCEEDS OF STATE (\$101,700) AND FEDERAL-JUSTICE

(\$131,000) CONFISCATED FUNDS.

## ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### **ANALYSIS**

Florida Statute 932.7055 provides for expenditures of forfeiture funds for law enforcement purposes.

The Miami Beach Chief of Police, Don De Lucca has reviewed and identified the need for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies. These forfeiture funds have been deposited in the Police Confiscation Trust Fund. The City has complied with all statutory procedures involved in the transaction of these funds.

The Administration requests authorization to adopt and appropriate the Police Confiscation Trust Fund Budget for Fiscal Year 2005/06 in the amount of \$232,700 (\$101,700 from State and \$131,000 from Federal-Justice Funds) to provide for the expenditures listed in Exhibit "A".

JMG/DD/id

# **EXHIBIT "A"**

# MIAMI BEACH POLICE DEPARTMENT CONFISCATION TRUST FUND BUDGET FISCAL YEAR 2005/06

# **STATE FUNDS:**

| COST CONNECTED WITH THE PROSECUTION AND PROCESSING OF FORFEITURE CASES  | \$<br>3,000   |
|---|---------------|
| CRIME PREVENTION INITIATIVES & SCHOOL LIAISON PROJECTS The Crime Prevention Unit coordinates various community programs such as Neighborhood and Business Crimewatch, Police Community Relations Team, Citizens on Patrol, Security Communication Assistance Network (SCAN) and The Citizens' Police Academy. The School Liaison personnel will implement new programs for the elementary schools of Miami Beach. | \$<br>15,000  |
| <b>ACCREDITATION</b> for operating expenses, travel and initiatives related to both State and National re-accreditation.  | \$<br>15,000  |
| DADE COUNTY CHIEF'S OF POLICE ANNUAL BANQUET This meeting is the principal forum in Miami-Dade County for the discussion of matters of interest to the law enforcement community. In attendance are local dignitaries, the Chiefs and those staff members that are members of the Dade County Chief's of Police Association.  | \$<br>9,700   |
| DADE COUNTY COURT STAND-BY PROGRAM, 2005 Continued support of the State Attorney's initiatives for reducing county court related, overtime costs.   | \$<br>19,000  |
| ORGANIZATIONAL DEVELOPMENT TRAINING AND EXECUTIVE TRAVEL Executive travel for required events or meetings related to the International Association of Chief's of Police and other organizational development initiatives and trainings.   | \$<br>25,000  |
| SPECIALIZED TRAINING FUNDS for the three (3) extended-stay training and travel programs throughout Fiscal Year 2005/06 which include the FBI Academy Training in Quantico, VA.  | \$<br>15,000  |
| SUB-TOTAL STATE FUNDS   | \$<br>101,700 |

# **FEDERAL FUNDS:**

| ANNUAL FEDERAL FUNDS' AUDIT FY 2004/05 performed by Internal Audit as allowed by the Federal Guidelines   | \$<br>3,000   |
|---|---------------|
| DOMESTIC VIOLENCE SUPPLEMENT FUNDS  Additional funding required for annual, operating expenses such as emergency housing and transportation and lock changes. | \$<br>1,500   |
| MIAMI BEACH POLICE ATHLETIC LEAGUE Operating expenses for the first quarter of FY 2005/06   | \$<br>25,000  |
| TRAINING SUPPLEMENT FUNDS (Annual appropriation) for the Police Department to supplement the Law Enforcement Training Trust Fund for Fiscal Year 2005/06.     | \$<br>50,000  |
| SUB-TOTAL OF FEDERAL FUNDS  | \$<br>79,500  |
| GRANT MATCHES:  |               |
| VOCA (Domestic Violence) Includes the portion of the employees salary which is not funded by the grant, and projected COLA and merit increases.               | \$<br>24,000  |
| LOCAL LAW ENFORCEMENT BLOCK GRANT 2005 (LLEBG)  | \$<br>8,500   |
| BYRNE GRANT: Electronic ticketing initiatives   | \$<br>9,000   |
| BULLETPROOF VEST PARTNERSHIP GRANT, Year 2005* *estimated   | \$<br>10,000  |
| SUB-TOTAL OF FEDERAL FUNDS (Grant Matches)  | \$<br>51,500  |
| SUB-TOTAL FEDERAL FUNDS   | \$<br>131,000 |
| TOTAL STATE AND FEDERAL FUNDS   | \$<br>232,700 |

|  | <b>RESOI</b> | <b>UTION</b> | No |  |  |
|--|--------------|--------------|----|--|--|
|--|--------------|--------------|----|--|--|

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2005/06 IN THE AMOUNT OF \$232,700 TO BE FUNDED FROM THE PROCEEDS OF STATE (\$101,700) AND FEDERALJUSTICE (\$131,000) CONFISCATED FUNDS.

WHEREAS, Section 932.7055, Florida Statutes, addresses the purpose and procedures to be utilized for the appropriation and expenditures of the Police Confiscation Trust Fund; and

**WHEREAS**, the Chief of Police of the City of Miami Beach has determined that the need for appropriation and expenditures exist and the appropriation and expenditure of forfeiture funds is in compliance with Section 932.7055, Florida Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies; and

WHEREAS, funds in the amount of \$232,700 are available in the Police Confiscation Trust Fund.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby adopt and appropriate the Police Confiscation Trust Fund Budget for the Fiscal Year 2005/06 for City of Miami Beach, in the amount of \$232,700, to be funded from the proceeds of State (\$101,700) and Federal-Justice (\$131,000) Confiscation Funds as reflected in the attached Exhibit "A".

| PASSED AND ADOF | TED THIS day | y of  | , 2005    |
|-----------------|--------------|-------|-----------|
|                 |              |       |           |
| ATTEST BY:      | Mayor        |       |           |
| City Clerk      |              | APPRO | VED AS TO |

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

Date

# CITY OF MIAMI BEACH COMMISSION ITEM SUMMARY



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A Resolution to adopt and appropriate funds for the Police Training Trust Fund Budget for Fiscal Year 2005/06 in the amount of \$31,000.

#### Issue:

Shall funds be provided for education of personnel of the Miami Beach Police Department?

Item Summary/Recommendation:

The Police Training Trust Fund provides funds for the education of police personnel at various schools, conferences, and workshops and for the purchase of training/operational supplies in accordance with guidelines established by the Division of Criminal Justice Standards and Training, as provided by Section 938.15, Florida Statutes the source of such funds being court costs from criminal proceedings.

In accordance with Florida Statute, Section 938.15, Criminal Justice Trust Fund, such funds are currently available amounting to \$31,000.

The Administration recommends that the Mayor and City Commission adopt the budget for Fiscal Year 2005/06 for the Police Training Trust Fund and appropriate funding.

| Advisory Board Recommendation | oard Recommendat | ion: |
|-------------------------------|------------------|------|
|-------------------------------|------------------|------|

N/A

#### Financial Information:

#### Amount to be expended:

# Source of Funds:

Finance Dept.

|       | Amount   | Account                    | Approved |
|-------|----------|----------------------------|----------|
| 1     | \$31,000 | Police Training Trust Fund |          |
| 2     |          | 608.8000.351300            |          |
| 3     |          |                            |          |
| 4     |          |                            |          |
| Total | \$31,000 |                            |          |

Sign-Offs:

| Department Directo | r Assistant City Manager City Manager |
|--------------------|---------------------------------------|
| NM)                |                                       |
| /WY                | Jan S                                 |

AGENDA ITEM <u>C7E</u>

DATE <u>9-21-05</u>

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.ci.miami-beach.fl.us



Date: September 21, 2005

#### **COMMISSION MEMORANDUM**

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez

City Manager

Subject:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY

OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE POLICE TRAINING TRUST FUND BUDGET FOR FISCAL YEAR

2005/06 IN THE AMOUNT OF \$31,000.

# ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### **ANALYSIS**

Florida Statute, Section 938.15, entitled "Criminal Justice Education for Local Government", provides for funds to be made available to the law enforcement agency for expenditures related to criminal justice education degree programs and training courses.

The Police Training Trust Fund provides funds for the education of police personnel at various schools, conferences, and workshops and for the purchase of training, operational supplies in accordance with guidelines established by the Division of Criminal Justice Standards and Training, as provided by Florida Statute, Section 938.15; the source of such funds being court costs from criminal proceedings.

In accordance with Florida Statute, Section 938.15, entitled "Criminal Justice Education for Local Government, such funds are currently available amounting to \$31,000, such funds being court costs from criminal proceedings.

The Administration recommends that the Mayor and City Commission adopt the budget for Fiscal Year 2005/06 for the Police Training Trust Fund and appropriate funding.

JMG:00:ic

### **AFFIDAVIT**

I, Donald De Lucca, Chief of Police, City of Miami Beach, do hereby certify that the aforementioned proposed request for expenditures from the City of Miami Beach Police Training Trust Fund for the 2005/06 fiscal year, to provide funds for the education of police personnel at various schools, conferences, and workshops and for the purchase of training and operational supplies, is in accordance with guidelines established by the Division of Criminal Justice Standards and Training, as provided by Section 938.15 and 943.25, Florida Statutes.

Donald De Lucca

Chief of Police

Miami Beach Police Department

Date

| RESOLUT | TION No. |  |
|---------|----------|--|
|         |          |  |

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE POLICE TRAINING TRUST FUND BUDGET FOR FISCAL YEAR 2005/06 IN THE AMOUNT OF \$31,000.

WHEREAS, Section 938.15, Florida Statutes, entitled "Criminal Justice Education for Local Government", provides for funds to be made available to the law enforcement agency for expenditures related to criminal justice education degree programs and training courses; and

**WHEREAS**, funds in the amount of \$31,000, are currently available in the Criminal Justice Training Trust Fund, said funds derived from court costs from criminal proceedings.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby adopts and appropriates the Fiscal Year 2005/06 Police Training Trust Fund Budget for the City of Miami Beach, in the amount of \$31,000.

| PASSED AND ADOPTED THIS | DAY OF | ,2005 |
|-------------------------|--------|-------|
|                         |        |       |
| ATTEST BY:              | MAYOR  |       |
| City Cloub              |        |       |

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney

Date

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